

REMARKS

Claims 13 and 15 have been amended, consistent with the specification, to better define the invention. Support for the amendment to claims 13 and 15 is found at p. 4, 19-21.

New Claim 16 has been added. Support for new Claim 16 can be found throughout the specification and specifically at pp. 3-5.

Claim 14 has been cancelled.

In accordance with the provisions of 35 USC §103(c) and MPEP §706.02(1)(2), application 09/903,739 and U.S. Patent Nos. 6,013,164 and 6,287,440 were, at the time the invention was made, owned by Sandia National Laboratories. In view of this statement Applicants urge that U.S. Patent Nos. 6,013,164 and 6,287,440 are disqualified from being used in a rejection under 35 USC §103(a) against the claims of application 09/903,739.

Rejection under 35 USC §103

Claims 13-15 are rejected under 35 USC §103(a) over Ramsey (5,858,195) and Ramsey (6,376,181) in view of Parce (6,458,258) and Paul (6,013,164) and Arnold (6,287,440).

Rejection is based on the assertion that while Ramsey and Ramsey or Ramsey and Parce each fail to teach the hydraulic electrokinetic pump recited by claims 13 and 16, Arnold and Paul each teach hydraulic electrokinetic pumps for use in

microfluidic devices. Arnold and Paul having been disqualified as references under 35 USC 103(c), Applicants urge that the rejection is now moot and request reconsideration and allowance of claims 13, 15 and 16.

CONCLUSION

The rejection of claims 13-15 under 35 USC §103 having been overcome, Applicants respectfully request reconsideration and withdrawal of the rejection, and that a timely Notice of Allowance of claims 13, 15 and 16 be issued in this case.

Respectfully submitted,

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Person making Deposit Michelle M. Morris Signature Michelle M. Morris

Application No: 09/903,739

For Applicant: Paul et al.